

ATTORNEY DOCKET NO 13
1299-SW (P259US) (Formerly: 003498.P035)

PATENT
U.S. 09/614,833

Remarks/ Arguments

In response to the Office Action mailed , Applicants respectfully request that the Examiner reconsider the objections to the specification and the claims.

Claims 1-33 remain.

Claims 1, 25, 32, and 33 are being amended.

Claims 17-20 are being cancelled.

Claim 23 stands objected to on the grounds that it depends from a rejected base claim, but is otherwise allowable.

Claims 1 – 22 and 24 – 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Semper et al.* (U.S. Patent 6,546,001 B1)(hereinafter "the *Semper* reference"), in further view of *Huttunen* (U.S. Patent 6,671,287 B1) (hereinafter "the *Huttunen* reference"). Applicants respectfully traverse these rejections.

Applicants have amended independent Claims 1, 25, 32, and 33 to include a Markush group including the features formerly included in dependent Claims 17 – 20. Applicants respectfully submit that these features, either taken alone or in combination, are not suggested by the teachings of either the *Semper* or *Huttunen* references. In particular, the Examiner has not provided particular findings as to the reason one skilled in the art would incorporate any of these features in a multimedia control field. *Ecolochem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361 (Fed. Cir. 2000) ("[A] rejection cannot be predicated on the mere identification . . . of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.").

In Sections 19 – 22 of the outstanding Office Action, the Examiner has rejected the subject matter of former Claims 17 – 20 as merely representing "design choices" in the selection and utilization of a multimedia (MM) control field. However, Applicants

021615.500060 Dallas 1772761.1

ATTORNEY DOCKET NO
1299-SW (P259US) (Formerly: 003498.P035)

14

PATENT
U.S. 09/614,833

respectfully submit that the subject matter of Claims 17 – 20 are more than mere design choices, but instead are non-obvious features which provide tangible advantages over the prior art when implementing MM communications.

For example, by providing a subfield in the MM control field that identifies the number of bytes which are padded with zeros in the current frame, the corresponding transmitting and receiving hardware can advantageously operate on doubleword aligned data, instead of byte aligned data. (See, for example, Page 24, Lines 9 – 14, of the present application). One exemplary advantage of providing a subfield that identifies a group of network components communicating with a network component designated as a point coordinator is the ability for multiple point coordinators to operate in the same physical channel. (See, for example, Page 24, Lines 15 – 19, of the present application.) Providing a stream index subfield, in the MM control field, advantageously allows for multiple streams of the same packet type to be generated or consumed by a neutral device. (See, for example, Page 24, Lines 20 – 23, of the present application.) Finally, the frame number identification subfield within the MM control frame provides for the synchronization of any two data streams communicating with a device. (See, for example, Page 25, Lines 1 – 2, of the present invention).

In sum, since the Examiner has not identified in the *Semper* or *Huttunen* references the subject matter of former Claims 17 - 20, nor shown from the prior art the reason one skill in the art would arrive at this subject matter through design choice, the rejections under 35 U.S.C. § 103(a) in view of the *Semper* and *Huttunen* be withdrawn.

No new matter has been added; the claims have been merely amended to more particularly claim the subject matter Applicants believe is inventive. Applicants respectfully submit that the Claims as they now stand are patentably distinct over the art cited during the prosecution thereof.

Applicant respectfully requests a First Month Extension of Time to File this Response. Enclosed with this report is Form PTO/SB/22 with Extension Fees in the amount of \$110.00 as reflected on the PTO/SB/17 Fee Transmittal.

021615.500060 Dallas 1772761.1

ATTORNEY DOCKET NO
1299-SW (P259US) (Formerly: 003498.P035)

15


PATENT
U.S. 09/614,833

Also, Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 20-0281 in the name of Thompson & Knight LLP.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969-1749.

Respectfully submitted,

THOMPSON & KNIGHT LLP
Attorneys for Applicant

By: 
James J. Murphy
Reg. No. 34,503

1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201-4693
Date: August 4, 2004

021615.500060 Dallas 1772761.1